

amendments on the table and the Yeas and Nays being called stood thus:

Yeas: Messrs. Andres, Boyd, Casey, Cooper, Dickson, Durant, Graham, Jordan, Lair, Maxey, Moore of Davis, Quayle, Selman, and Weatherford—14.

Nays: Messrs. Beasley, Burney, Crawford, Guinn, Harcourt, Hartley, Lea, Moore of Bastrop, Parsons, Shepard, and White—11.

The bill was then engrossed by the following vote:

Yeas: Messrs. Andres, Boyd, Casey, Cooper, Dickson, Durant, Graham, Jordan, Lair, Maxey, Moore of Davis, Quayle, Selman, and Weatherford and Wheeler—15.

Nays: Messrs. Beasley, Burney, Crawford, Guinn, Harcourt, Hord, Lea, Moore of Bastrop, and Shepard—9.

On motion the Senate adjourned until 9 o'clock A. M. on Monday next.

Monday, March 2nd, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of Saturday was read and adopted.

Mr. Guinn presented the Memorial of John M. Crockett in relation to the manufacture of pistols in Dallas County. Read and referred to Judiciary Committee.

Mr. Harcourt, Chairman of Judiciary Committee, on behalf of that Committee reported a bill to define the offense of inciting insurrection or insubordination of slaves etc. and recommended its passage.

Mr. Lea, one of the Committee on State Affairs, made the following report: "The Committee on State Affairs to which was referred the petition of sundry citizens of San Patricio has considered the same and found from its pecuniary interest between the Corporate authorities of said town and other general interests of the County of San Patricio and that the absence of persons from that County in the army deprives the community of that county from proper representation of its interests at home. Hence the Committee has concluded that the safe course is to suspend the action of the Corporate authority of that town until twelve months after the close of the war so as to prevent intermediate wrong and to give opportunity for a full and fair presentation of the difficulty to a session of the Legislature which may be expected during such twelve months.

A corresponding bill is herewith presented with a recommendation that it be passed.

Pryor Lea  
one of the Committee

A Bill to suspend the Corporate authority of the town of San Patricio. Read 1st time.

Mr. Lea, Chairman of the Committee on Finance, on behalf of said Committee made the following report.

“The Committee on Finance to which was referred a Bill to appropriate money to pay the officers and soldiers of Sims’ 9th Texas Regiment of Cavalry whilst in the State service has considered the same and approves of the object of the bill, but they deem it expedient to provide for all similar cases in one bill. The auditing and settling of all such claims were provided for, but without a sufficient appropriation, by the last session of the Legislature. It only remains for the present session to supply the deficiency. For this purpose the Committee reports a bill on information derived from the office of the Comptroller and recommends that his bill be adopted and passed as a substitute for that which was referred as above stated. The Committee for further information in connection with the proposed substitute would refer to the appropriate act of last session and to a statement herewith, obtained from the Comptroller’s office.

Pryor Lea  
Chairman

A Bill to supply a deficiency in a certain appropriation for paying officers and soldiers of state troops. Read 1st time.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported a Bill granting land to Texas soldiers and Bill to provide necessary assistance to families and other dependents of officers and soldiers correctly engrossed.

Mr. Lea introduced a Bill to amend the 3rd Section of an act to prescribe what kinds of funds may be received for certain public dues approved January 11, 1862. Read 1st and 2nd times and referred to Finance Committee.

Mr. Guinn introduced a Bill authorizing the Governor to regulate the manufacture and sale of salt in this State. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Guinn offered the following resolution: "**Resolved**, That no Senator shall be permitted to speak more than ten minutes upon one subject that may come before the Senate." Rule suspended and Resolution taken up. Mr. Shepard moved to amend by adding "except by leave of the Senate, and when given he may continue another ten minutes." Lost. The resolution was then adopted.

Mr. Maxey offered the following resolution: "**Resolved**, That after 12 o'clock today the Senate will not receive for consideration any new bill unless by leave of  $\frac{3}{4}$  of the Senate." Laid over 1 day for consideration.

Mr. Lea, Chairman of Committee on Finance, on behalf of said Committee reported a Bill to levy a special tax for the relief of Soldiers' families and asked to be discharged from its further consideration because the same subject in substance has received consideration by the Senate.

Mr. Lea also made the following report:

The Committee on Finance, to which was referred "A bill to be entitled an act to procure specie to enable the people to pay the specie tax," has considered the same and found several objections. One is the absolute requirement to procure a specie fund to the full amount of the assessment. Another is the permanency of the arrangement. Another is the system of drafts provided for. Another is the absence of any provision for subjecting the Collectors and their surties to liability on their bonds, or to any penalty for violation of duty, as may be necessary to secure fidelity where the want of it would be very injurious. And another is that the sum appropriated is not sufficient for the object.

But while considering this bill, the Committee has reconsidered the bill lately passed by the Senate on the same subject. The Committee now thinks that bill defective in some particulars. One is in limiting the specie fund nearly ten thousand dollars below the amount of the assessment of the specie tax, and another is the inadequacy of the appropriation.

With these views it seems desirable that neither of said bills should be enacted, and the Committee recommends the prompt adoption of a substitute for the House bill to be passed without delay.

Pryor Lea  
Chairman

“The Committee on Finance to which was referred A Bill to appropriate money to pay the officers and soldiers of Sims’ 9th Texas Regiment of Cavalry whilst in the State service has considered the same and approves of the object of the bill, but the Committee deems it expedient to provide for all similar cases in one bill. The auditing and settling of all such claims were provided for, but without a sufficient appropriation, by the last session of the Legislature. It only remains for the present session to supply the deficiency. For this purpose the Committee reports a bill on information derived from the office of the Comptroller and recommends that this bill be adopted and passed as a substitute for that which was referred as above stated. The Committee for further information in connection with the proposed substitute would refer to the appropriate act of last session and to a statement herewith, obtained from the Comptroller’s office.

Pryor Lea  
Chairman

“The Committee on Finance to which have been referred “A bill to impose a tax upon unlocated land certificates, and a bill to relieve the officers, non commissioned officers, and privates in the Army of the Confederate States from the payment of a poll tax,” has considered the same and found that “all bills for raising revenue shall originate in the House of Representatives” and the latter bill to propose an important modification of the revenue laws. Whether the Senate can originate a bill proposing a reduction of the revenue is a question which the Committee declines at present to consider as it deems expediency a sufficient reason for not thus interfering with the leading action of the House during the present session of the Legislature. Hence the Committee reports both bills back to the Senate with a request to be discharged from further consideration of them.

The Committee adopts the same course as to a resolution, requiring the Committee to consider the propriety of levying a tax on specie payable in kind, this resolution having been also referred to this Committee.

Pryor Lea  
Chairman

On motion of Mr. Casey the House resolution to ad-

journal **sine die** on Monday, 2nd March was taken up. Mr. Durant moved to amend by striking out "Monday, 2nd March," and insert "Thursday the 5th instant A. M." Mr. Guinn moved "10 o'clock P. M." Mr. Maxey moved "1 o'clock P. M. on Friday the 6th instant. Mr. Shepard moved "11 o'clock P. M. Saturday 7th." Mr. Selman moved "9 o'clock Monday A. M. the 9th." Mr. Guinn moved to lay Mr. Selman's motion on the table. Carried. The question then recurred on Mr. Shepard's motion "11 o'clock P. M. Saturday," which was put and lost by the following vote:

Yeas: Messrs. Cook, Ford, Graham, Guinn, Harcourt, Hartley, Hord, Jordan, Lea, Lair, Maxey, Parsons, Reed, and Shepard—14.

Nays: Messrs. Andres, Beasley, Boyd, Burney, Casey, Cooper, Crawford, Dickson, Durant, Moore of Davis, Moore of Bastrop, Quayle, Selman, Weatherford, and Wheeler—15.

The question being then on Mr. Maxey's motion, Mr. Shepard moved "Saturday 8 o'clock A. M.," which was put and carried. Mr. Hartley moved to lay the resolution on the table. Lost. Mr. Guinn moved the previous question which was ordered. The main question being the adoption of the resolution was put and carried.

Mr. Shepard, one of the Committee on State Affairs, on behalf of said Committee reported the following bill and recommended its passage:

A Bill to incorporate the Houston Mutual Aid Association.

Mr. Dickson moved to take up a Bill to provide a specie fund to enable taxpayers to pay the specie tax and the report of Finance Committee thereon. Carried. Bill read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A message was received from the House informing the Senate that the House has passed the following bills which were on motion taken up, read 1st and 2nd times and severally disposed of as follows:

A bill to incorporate the Texas Iron Company. Read 1st time. Rule suspended. Read 2nd time and referred to Committee on Internal Improvements.

A Bill to punish persons obtaining goods from the penitentiary of the state under false pretenses. Referred to Judiciary Committee.

A Bill to repeal an act concerning the Alamo ditch in the City of San Antonio and to regulate irrigation therefrom approved April 8, 1861. Referred to Committee on Internal Improvements.

A Bill making an appropriation for the mileage and *per diem* pay of the members and of the *per diem* pay of the officers of the extra session of the 9th Legislature. Read 1st, 2nd, and 3rd times on suspension of the rules and passed.

A Joint Resolution in relation to Public Printing. Referred to Committee on Public Printing.

A Joint Resolution in relation to the impressment of male slaves for military use. Referred to Judiciary Committee.

A Joint Resolution in reference to trade on the Rio Grande and extending its benefits to the people of the whole state. Referred to Committee on State Affairs. Also that the House agreed to Senate's amendment to the resolution to adjourn *sine die*, and that the House had concurred in Senate amendments to the following bills:

A Bill to repeal an act to amend the 1st and 11th sections of an act to authorize the sale of the public domain.

A Bill to incorporate the Dallas Male and Female Institute.

A Bill to authorize the County Courts of the several Counties therein named to regulate the pay of Sheriffs in certain cases and a Bill to regulate the sale of beef cattle, etc.

Mr. Shepard, one of the Committee on State Affairs, reported a Bill to incorporate the Washington County Mutual Aid Society. Read 1st time. Rule suspended. Read 2nd time. Mr. Durant offered the following amendment: "said Corporation after supplying their own wants shall sell to the families of destitute soldiers at prime cost and carriage." Mr. Guinn offered the following substitute: "Provided after the persons incorporated in this act shall supply themselves, they shall sell to the families of soldiers at cost." Adopted. The amendment was then adopted. The Yeas and Nays being called on the engrossment of the bill stood thus:

Yeas: Messrs. Beasley, Burney, Cook, Cooper, Crawford, Ford, Graham, Guinn, Harcourt, Hartley, Jordan,

Lea, Maxey, Moore of Davis, Quayle, Reed, Shepard, Weatherford, Wheeler, and White—21 [20].

Nays: Messrs. Andres, Boyd, Dickson, Durant, and Moore of Bastrop—5.

On motion of Mr. Harcourt, a Bill to incorporate the Columbus Mutual Aid Association was taken up. Read 2nd time. Mr. Guinn moved the same amendment to this bill that had been incorporated in the previous bill. Carried. The bill was then ordered to be engrossed.

A Bill for the organization of the State Troops and prescribing who shall be liable to military duty on report of select committee recommending amendment. Read 2nd time. The question being on the adoption of the amendment of the Committee. On motion, the Senate adjourned until 7 ½ o'clock P. M.

7 ½ o'clock P. M.

Senate met, roll called, quorum present.

The bill relative to the militia being before the Senate at its adjournment and the question pending being on the adoption of the amendment to be section 8 of Committee was taken and carried. The question was then taken on the adoption of 2nd amendment to wit strike out "be entitled to the rank and pay of a first lieutenant of cavalry as fixed by the Confederate States Army regulation," and insert "receive fifty dollars per annum for such service." On motion of Mr. Guinn, the amendment was laid on the table.

Mr. Hartley offered the following amendment: Strike from 2nd Section "officers and crew" and insert "captains, pilots, mates and engineers." Carried. Mr. Guinn moved to strike out the word "rank" from seventh section." Adopted. Mr. Beasley moved to insert in 2nd Section "Professors of Colleges and Teachers of schools who have been regularly engaged in their professions for the last five years." Mr. Harcourt moved to lay the amendment on the table. Carried.

Mr. Hartley offered the following amendment: "Sec. 9, That whenever a draft may be ordered, the Chief Justice of each County in which the draft may be ordered shall appoint one skilful surgeon whose duty it shall be to examine all persons who shall apply for exemption from draft on account of physical disability before the day appointed

from the draft and to give a certificate of disability to all such applicants as he may find to be physically disabled from performing military service, stating in said certificate the cause of such disability; and said surgeon, before entering upon the duty of his office, shall take an oath before an officer authorized to administer oaths that he will faithfully discharge the duties of his Office; and the compensation of such surgeon shall be one hundred dollars to be paid out of the Treasury of the State." Mr. Weatherford moved to strike out the last clause after the word "officer." Carried. The amendment was then adopted.

Mr. Hartley offered the following amendment: "Sec 10, That any person claiming exemption on other ground than physical disability shall make his showing before the Chief Justice of the County in which he is enrolled and upon the Chief Justice being satisfied of his exemption from military service, he shall give his certificate thereto stating therein the cause of exemption and shall file the evidence of the same in the County Clerk's Office." Mr. Durant Moved to lay the amendment on the table. Lost. Mr. Hartley then offered the following to the amendment: Strike out "other ground than physical disability" and insert "for any of the causes stated in the second section of this act." Adopted. The amendment was then adopted.

Mr. Hartley offered the following amendment: Sec. 11 That all certificates of exemption from military service shall be filed by the persons obtaining the same in the office of the County Clerk before the day appointed for the draft and the Clerk shall write opposite the name of each person filing such certificate upon the military roll "exempt," adding "the cause of exemption, and the names of such persons shall be excluded from the draft."

Mr. Parsons moved to lay the bill and amendments on the table, upon which the Yeas and Nays were called and stood thus:

Yeas: Messrs. Andres, Crawford, Durant, Jordan, Parsons, and Weatherford—5 [6].

Nays: Messrs. Batte, Beasley, Casey, Cook, Cooper, Dickson, Ford, Graham, Guinn, Harcourt, Hartley, Hord, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Quayle, Reed, Selman, Shepard, and Wheeler—22. The Amendment was then adopted.

Mr. Lea moved to amend the first section by striking



out "fifty" and inserting "seventy." Mr. Dickson moved to lay the amendment on the table. Carried.

Mr. Cooper moved to strike out "\$2000" as salary of Adjutant General and insert \$1,200." Mr. Dickson called for a division of the question. The motion to strike out was then put and lost.

Mr. Maxey offered the following amendment: "That at any time when the State shall be invaded, it shall be lawful for all able-bodied men over fifty years old to form themselves into volunteer Companies to serve for the occasion. They shall be entitled to elect their own Company officers and be received into the State service to repel the invasion." Lost.

Mr. Weatherford moved to strike out of 2nd Section the word "postmasters." Carried.

Mr. Lea moved to strike out all that part of the bill requiring the Governor to call for volunteers. Adopted. Mr. Moore of Davis moved a reconsideration. Lost.

Mr. Hartley offered to amend the 8th Section as follows. After "Austin" insert "in which he shall keep a true record of the number and rank of each brigade and regiment in the State called into service." Adopted.

Mr. Dickson offered the following amendment: "Provided that any citizen of the State may have the privilege of volunteering without subjecting himself to the draft, if he desire to do so." Adopted.

Mr. Hartley offered the amend by inserting after "State" in 9th line of 8th Section, "troops, the names, ranks, and dates of commissions of all general and field officers in service." Adopted.

Mr. Weatherford offered the following amendment: after "Legislature," insert "during the session thereof," upon which the Yeas and Nays stood thus:

Yeas: Messrs. Burney, Casey, Crawford, Dickson, Graham, Harcourt, Lea, Maxey, Moore of Davis, Parsons, Quayle, Shepard, Weatherford, and Wheeler—15 [14].

Nays: Messrs. Andres, Batte, Beasley, Cook, Cooper, Guinn, Hartley, Hord, Moore of Bastrop, Reed, and Selman—11.

Mr. Quayle moved the previous question which was ordered. The main question being the engrossment of the bill was put and carried. On motion the rule was suspended. The Bill being on its 3rd reading, Mr. Hord moved to

postpone its further consideration until 10 o'clock A. M. tomorrow when on motion the Senate adjourned until 9 ½ o'clock A. M. tomorrow.

Tuesday March 3rd 1863

9 ½ o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present.

Mr. Lea, Chairman of the Finance Committee, made the following report:

"The Committee on Finance, to which was referred a Bill to amend the 3rd section of an act to prescribe what kinds of funds may be received for certain public dues, approved January 11, 1862, has considered the same and returns it to the Senate with a recommendation that it be passed.

The absolute necessity for this measure arises from the action which the Confederate Government may have taken or must soon take to retire from ordinary circulation nearly all of its Treasury notes that constitute its present currency. A recent report of the Secretary of the Treasury treats of this course as a necessity for which there is not any alternative; and we must assume it as a certainty for the basis of our legislation. An act of last session is prescribed that Confederate Treasury notes without any discrimination should be received for public dues in general. Should no change be made in our law and the mass of Confederate notes now current be rendered uncurrent, nearly all collections for the state, and in its name for trust interests would be in the uncurrent Confederate notes. Of course we must avoid such a result. This can be done by an amendment of the law of last session so as to exclude such uncurrent notes from our collections and to allow the continued reception of current Confederate notes. These will consist of the more recent issues, which will be made to meet governmental necessities as they may arise, and cannot fail to supply an abundant circulation, while the earlier issues must be funded in Bonds or Stocks of the Confederate government.

To meet the necessary change, the bill under consideration seems to be entirely appropriate. Its enactment would make no substantial change in the former law except in the suggested particular. Some slight variation of expression